

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**MINUTES
KAUAI / NIIHAU ISLANDS BURIAL COUNCIL MEETING**

DATE: TUESDAY, SEPTEMBER 6, 2005
TIME: 9:00 A.M.
PLACE: KAUAI COUNTY COUNCIL CHAMBERS
5396 RICE STREET
LIHUE, HI 96766

ATTENDANCE:

Members: La France Kapaka-Arboleda, Chair
Mark Hubbard
Grace Kamai
John Kruse, Vice-Chair
Donna Aana-Nakahara
Sandra Quinsaat
Tom Shigemoto
Henrietta Esther Kulamanu Thaxton

Absent: Catherine Pfeffer (excused)
Leiana Robinson (excused)
Barbara Say (excused)
Presley Wann (excused)

Staff: Sunny Greer, SHPD
Vince Kanemoto, Deputy Attorney General
Nancy McMahon, Kauai Archaeologist

Guests: Michael Dega, SCS
Doug Haigh, County of Kauai
Daniel Kamekuni, WCIT Architects
Jim Powell, SCS

I. OPENING REMARKS

Chair La France Kapaka-Arboleda opened the meeting with a pule wehe at 9:05 a.m. The Chair received notice that Leiana Robinson, Barbara Say, and Presley Wann were not able to attend this meeting. It was established that there was quorum.

II. COUNCIL BUSINESS

A. APPROVAL OF APRIL 6, 2005 MEETING MINUTES

Under the “Attendance” section, the following corrections were offered:

- Instead of Donna Kaliko Santos, it should be Donna Aana-Nakahara.
- Barbara Say was present at this meeting.
- Jim Powell works for SCS; not CSH.
- Paul Keeno should be Paul Kyno.
- Gerald (?) should be Gerald Ida
- Michael Furukawa should be Michael Furakawa
- Delete R. Kalani Fronda.
- Change Bruce Robinson to Leiana Robinson.

Under Page 7, first paragraph under Item D, change spelling of “Kamae” to “Kamai.”

A motion was made to approve the minutes as corrected. (Hubbard/Shigemoto)

VOTE: ALL IN FAVOR. Motion carries.

B. APPROVAL OF MAY 3, 2005 MEETING MINUTES

Under the “Attendance” section, the following corrections were offered:

- Tom Shigemoto, Vice Chair was present at this meeting; not absent.
- Barbara Say was present at this meeting.
- Mark Hubbard was present at this meeting.
- Henrietta Thaxton was present at this meeting.
- Change Bruce Robinson to Leiana Robinson.

- Donna Kaliko Santos was not present at this meeting; change to absent. Change Donna Kaliko Santos to Donna Aana-Nakahara.

A motion was made to approve the minutes as corrected. (Shigemoto/Quinsaas)

VOTE: ALL IN FAVOR. Motion carries.

C. APPROVAL OF AUGUST 2, 2005 MEETING MINUTES

A motion was made to approve the minutes. (Shigemoto/Kamai)

VOTE: ALL IN FAVOR. Motion carries.

D. BURIAL TREATMENT OF RECENTLY DISCOVERED HUMAN SKELETAL REMAINS ON 20.81-ACRES IN WAIPOULI, NORTH OLOHENA AHUPUAA, KAWAIIHAU DISTRICT, KAUAI ISLAND, HAWAII [TMK: 4-3-2: 15, 16, & 20]

Mike Dega from SCS Archaeology thanked the council for meeting with them at Anahola on August 2, 2005, where they did an informational presentation regarding potential preservation of the burials found while doing a survey on the parcel. They are here today to talk about permanent preservation of the burials. Dega said that there were ten burials found during two phases of inventory survey. Three burials were found in the setback zone in 1988 and we've identified seven last spring when we did inventory survey on the parcel. In the burial treatment plan, we proposed that we leave the three burials in the setback zone in-situ. They will be protected in the interim for any construction or anything else going on in the parcel. We did propose relocation of the seven burials including the preserved area in the northeast corner of the parcel. The structure is being built to house these remains if they're going to be relocated.

Kapaka-Arboleda asked if there were any questions or need for clarification. Kapaka-Arboleda commented that the legal notice went out in April or May and asked if the department or SCS received any claimants. Dega replied that they have not received any claimants. As far as Dega knew, the department also hasn't contacted them regarding any claimants.

Kapaka-Arboleda asked the department if the first three, which were found by Rosendahl, were being considered inadvertent discoveries now. McMahon answered that it is being considered as previously identified. Kapaka-Arboleda asked what differs from the three found before and the seven found after. McMahon said that the project is now including the three parcels (15, 16, & 20) and at that time the project area was relatively small that Rosendahl had inventoried. They did an inventory but did not deal with the burials that were there. McMahon believes that they re-verified the locations of the area.

Kapaka-Arboleda wanted to clarify that no matter what the decision is, the council's decision is only what's been found up to this point and anything after that would be for the department to do. McMahon asked SCS about their burial treatment plan. Their plan discusses the relocation of the seven burials and the three in-situ burials stay in place. McMahon asked SCS if their burial treatment plan discusses what to do if other inadvertent discoveries were made. Dega said that they had made provisions for this kind of scenario in their plan. Dega stated that if the seven were

allowed to be relocated, the structure of the preserve area would be constructed already so that when the other seven were going to be disinterred, they go directly into the preserve area. The dimensions of the burial preserve are 14 feet by 14 feet and very large in case they had inadvertent discoveries during monitoring or construction so that they could go into the ground immediately without any temporary storage.

Greer asked Dega if he could reference the page number in the plan. Dega stated that page 13 of the burial treatment plan discusses it. Kapaka-Arboleda asked Dega about page 14 in the yellow highlighted area (preservation area). Is it within the proposed bike path? Dega replied that the bike path is 20 feet away from the proposed bike path. If you go to bold point number 4, you can see the details. Greer stated that SCS should consult the burial council representative when any inadvertent discoveries are made as it is required by law. Kapaka-Arboleda commented that the council member representatives would start sharing that responsibility so that the representatives will assume that role of knowing what's going on within their area. It was proposed by Chair Kapaka-Arboleda, that they further discuss the shared responsibility of the regional representatives.

Kapaka-Arboleda is concerned about the closeness of the water and asked Doug Haigh about the bike path. Haigh said that for the shore line issues, you are safe. It is outside of the 40 foot setback. If it is not within the 40-feet, it is considered safe from coastal erosion.

Hubbard asked about the 3 burials preserved in-situ. The plan says that there will be no landscaping. What does that mean? There will be landscaping but not within the preservation area but along the area to define the area. Grass will be planted to stabilize the sand so that it doesn't move. There will be a buffer fence around these burials. There will be a non-intrusive covering.

Shigemoto asked if these in-situ burials need to be identified or marked from a statutory standpoint. Is it required to be marked? They are marked with GPS location. McMahon stated that it would just be recorded in the Bureau of Conveyances.

Kapaka-Arboleda asked if any of the units were going to be any condominiums. There will be 343 timeshare units and 6 hotel units. Kapaka-Arboleda noted that in the past the burial areas become separate parcels so that it's not part of multiple ownerships. This is not reflected in any rules. It has worked for the benefit of the owner. Shigemoto asked who the property owners would be conveying to. Kapaka-Arboleda said that they would be conveying with the bike path people because they are the ones with access or possibly the county. Shigemoto added that if you create a lot, it must be conveyed to somebody. Kapaka-Arboleda noted an example of an entire heiau had split ownership - half went to the ownership of condo owners and half to the State. It has become very controversial because it is culturally inappropriate to split a site. It has become more evident that we should remove these sites. However, we don't have all the answers. It has been done before in Waipouli. There haven't been any discussions yet as to who would end up with the 2 acres but we want to make sure that it is not constantly being brought up through legal challenges. In the case of the bike path, it should be a blessing not a hindrance such as the heiau site down the road. It is not meant to penalize the developers.

Shigemoto expressed concern about the maintenance because if it is conveyed to the County, then they may not have enough manpower to do the work. If it is all the same, if the apartment owners' association would be responsible for the maintenance of the site, then they would have landscape maintenance workers and would probably be able to maintain the site better than the County. Shigemoto asked if Waipouli was going to be maintained by the association. Kapaka-Arboleda

stated that the lot would be maintained by the association until a group or someone else surfaces who would take responsibility.

Kapaka-Arboleda added that there is a possibility in the future that there would be a situation where there are more descendants that would come forward and may be voting on this association and use it as a tool. It was asked if the preservation area was a separate parcel. It was clarified that it is not a separate parcel but part of a common area. Hubbard explained that if it was registered in the Bureau of Conveyances as an encumbrance on the property, it will be preserved in perpetuity. So, whoever owns the land will adopt this plan. Hubbard went on to say that it doesn't preclude future planning. Kapaka-Arboleda pointed out that if there had been a burial law or stronger historic site provision, the Kukui heiau situation wouldn't have evolved the way it did by splitting the entire community and the council is right in the middle of it. Preservation is one piece, but we have owners pulling it apart and using it for their own betterment.

McMahon asked the council if they could make a determination if they agree with this revised burial treatment plan for Waipouli. McMahon gave a little background of what was going on in this case. Chris Singleton set up a preserve in 1991 and realized that it was easy to make a separate parcel. There are a total of three separate lots: condominiums, restaurant, and burial preserve.

Kapaka-Arboleda asked for the total acreage of Singleton's land. McMahon replied that the entire property is twelve acres. The archaeological opinion is that in the shoreline or sand you will have disturbed burials found during monitoring. There are also going to be intact burials and there probably will be more found.

A motion was made to accept the burial treatment plan as submitted. (Shigemoto/Hubbard)

Kamai stated that it doesn't seem accessible because the site is removed from the public access itself. Are there any provisions to actually provide access to the site? She agrees with McMahon that they're going to find more burials over time. If you find a kahu for the site, at that point in time there needs to be a separate lot. Kamai was concerned about keeping the site maintained.

McMahon asked if the applicant bought the parcel or were they going to own in due diligence. Kamekuni said that they were going to own the land. McMahon went on to ask if they have applied for any permits with the county. Kamekuni said that they probably didn't apply yet because they're making the rounds first.

Greer made a suggestion to clarify the motion to be more specific.

A motion was made to accept the burial treatment plan as submitted for preservation in place of the three in-situ burials and relocation in the preserve area for the seven burials found. (Shigemoto/Hubbard)

Kapaka-Arboleda commented that the regional representatives of this council are called for inadvertent discoveries but don't actually make any decisions. Greer and McMahon stated that they make recommendations as stated in the Hawaii Administrative Rules. McMahon went on to say that the whole purpose of the Island Burial Councils is that prior to the rules, the department was making decisions without talking to any Native Hawaiians about Hawaiian burials or any ethnic group for that matter. The regional representatives give recommendations to the department and the department can make more informed decisions based on those recommendations. There is a lot of

public scrutiny and the public may not always understand the situation that the department has. Greer clarified that when it comes to preservation in place and relocation, it's the council's kuleana for previously identified Native Hawaiian burials. For inadvertent discoveries, the regional representative makes recommendations, but it doesn't preclude other members from making recommendations to the department.

Shigemoto asked if it was going to be filled. There will be some fill under the building pad but we just want to raise the building a little higher using 4 feet of fill under the building pad. Shigemoto asked how much cover will be over the three in-situ burials. There is a cover of 70 centimeters to 20.3 meters. Shigemoto asked if the 'iwi were going to be disturbed when they plant grass. The closest that they will get to the surface is about 3 feet.

VOTE: ALL IN FAVOR. Motion carries.

(Tape 1, Side B)

Kruse asked that in the future if you don't have any lineal descendants but you know that there are going to be some out there, how does access become available to them? In the situation with Robert Pa and his family, they were denied cultural and lineal descent.

McMahon stated that in Robert Pa's case they didn't submit paperwork to prove their claim. Just because you claim lineal descent, doesn't mean you're going to be granted access. You have to work with the landowner to gain access to the burials. If it were a separate parcel, then there should be special provisions notated in the plan.

Kruse asked if there was a statute of limitations that lineal descendants have to come forward and claim descent. McMahon replied that there is no statute of limitations, but they would need to submit documents to the department for verification and then it would go before the council for a decision. Greer added that it is problematic for the department, the council, and the developer because there is no statute of limitations so anyone can come forward at any time to make a claim. Greer went on to explain that lineal and cultural applicants need to submit their paperwork to the department. Following review, the department refers it to the council for a determination of lineal or cultural descendancy.

Kapaka-Arboleda added that dating of sites is so important in establishing lineal or cultural descent. McMahon stated that what are being asked of archaeologists is establishing if all burials are historic or pre-historic. Kapaka-Arboleda commented that she enjoys doing genealogies and can say that the major Kauai lines did not originate on Kauai. Kapaka-Arboleda can see more of those challenges coming and the only key is the physical evidence, not the DNA of 'iwi but of any kind of carbon-dating material that is closely identified in that layer.

Shigemoto stated that on page 19, there is a section for burial mitigation for inadvertent finds. Greer added that the rules state that it doesn't go before the whole council for inadvertent discoveries. It just identifies the council representative because it is not a responsibility for the council for final determination and disposition. However, we are required by law to consult with the council representatives as well as any cultural or lineal descendants and the landowners. This means that it will not go before the full council other than under inadvertent finds. That's why it is so important for each council representative to understand their kuleana because they will be making recommendations to the department about relocation or preservation in place.

Shigemoto asked that if it is reported to the full council of an inadvertent find, then doesn't that mean that the council will act upon it. Greer replied that the way the statute reads is that the council can only make recommendations on inadvertents, and it is not required for the department to ask the full council for disposition. Kanemoto added that the department makes disposition of the remains. Theoretically, it can be put on the agenda as council business but only for informational purposes, not even for recommendation. Basically, the department has time constraints to make determinations and it varies depending on what island you are on. Logistically, it wouldn't really be coming to the council until after the fact.

Greer stated that she can't attest to what happens on Kauai but can say that there used to be a disconnect on other burial councils and the way that it's written on the agenda can be confusing to decipher if it was an inadvertent discovery or previously identified. The agenda will be hopefully be standardized throughout the five burial councils where it may say council business and that would be the kuleana of the council to make determinations of previously identified. There may be a separate section for informational updates-inadvertent discoveries and this will be the department's kuleana with consultation with the council regional representative. There is also a disconnection in terms of the Department of Hawaiian Home Lands (DHHL) because it is specified in §13-300-40 (o), HAR, that DHHL lands fall under NAGPRA which is not for the department or the council's determination but put on the agenda for informational purposes only. It should be clear on the agenda what is being discussed during burial council meetings and that seemed to be a difficult task in the past but the department is trying to clarify the confusion.

McMahon added that under the National Historic Preservation Act (NHPA) - Section 106, the council is listed as a native organization for consultation purposes. In these situations you can talk about anything, not only burials. You are brought in as a consulting party to any agreements made, as well as Hui Malama I Na Kupuna O Hawaii Nei and Office of Hawaiian Affairs. Ten years ago, the Office of Hawaiian Affairs was the only recognized Hawaiian organization but the rules and regulations were amended to include the Island Burial Councils and Hui Malama I Na Kupuna O Hawaii Nei.

Dega asked McMahon for clarification about the burial council's role under NAGPRA and Section 106. McMahon specified that NAGPRA is about burials on federal lands and Section 106 is about other issues such as things happening near or around historic sites.

Greer clarified that inadvertent discoveries only come before the council for informational purposes because the department makes a determination. Under the rules, there is a time constraint for determinations on inadvertent discoveries and the entire burial council would not have enough time to review the matter. Therefore, the burden of determinations was left up to the department because they are able to work within the time constraint that is required by the rules.

Shigemoto asked Dega about the intent on page 9, paragraph 3. Dega replied by saying that their intent was to follow the law regarding inadvertent discoveries by notifying the burial council representative and SHPD. The ultimate thing that we wanted to do with this plan, in regards to inadvertent discoveries, was to contact the parties and follow the protocol plan which was to record, disinter, and transfer them immediately into the preserve so that there is no lag time. Shigemoto asked if this was the protocol followed to date. McMahon stated that previously each firm would have to go to the Department of Health to get a disinterment permit and that regulated the number of inadvertent discoveries. If you find more than 20, then you have to stop and let us know. Well that doesn't work, because 20 can accumulate really fast. Then this became a case by case basis.

Kapaka-Arboleda wished SCS luck during this process.

E. REVIEW OF BURIAL TREATMENT PLAN FOR SITE 50-30-08-1899 AT PALIKU BEACH (DONKEY BEACH), KEALIA AHUPUAA, KAWAIHAU DISTRICT, KAUAI ISLAND, HAWAII [TMK: 4-7-0:06]

Haigh and Powell presented the council with an update of this project. Haigh, with the City & County, stated that he was the project manager and he was surprised that this was coming before the council again because this plan was already reviewed before he took on this job. A month ago, Powell and the contractor informed Haigh that they had met with the burial council and were looking at revisions to the plan. Haigh was under the impression that the plan was a done deal so the contractor is already prepared to start the job that was already planned. Haigh doesn't have any problems making any minor modifications to the plan and believes that Powell has already drafted a proposal that addresses the councils concerns. Haigh stated that as the bike path is being developed in this area, they believe that the motorcycle activity will be declining and therefore will attend to one of the council's concerns.

Powell, from SCS, stated that the last time he met with the council Shigemoto had suggested a line of boulders along the east side and made some comments regarding this. Powell read the original preservation measure which was to recommend safeguarding the preserve area from natural cover of beach vegetation and vehicular traffic be prohibited. Powell recommended that they put in a temporary fence so that the naupaka can re-establish and put up some signage to prevent loitering and vandalism. Powell suggested mending instead of rebuilding the preservation area.

Thaxton asked if the path would be for bicycles and horses. Haigh stated that there would not be a formal access. They are looking at keeping the horses atop the bluff but they are not looking at establishing a trail.

Hubbard asked if the plan had been implemented already. Haigh replied that it has been partially implemented but still have vegetative concerns. Kruse asked Haigh about whether there is a sign that states this is a burial preserve area. Haigh stated that this was something that came up before and there has been some question whether the signs are effective. Currently, there is vandalism on the existing sign but we are working with SHPD on getting appropriate signage. Kruse commented that if there were signs that state that you should be respectful of this site then people would try to adhere to it.

Shigemoto asked Haigh about the kind of temporary fencing being put up. Haigh said that they could use the orange fencing with the stakes. Shigemoto asked what the purpose of a temporary fencing is. Powell stated that garbage is being thrown around the area and if we put rocks around the area then there is a possibility that they will roll down into the naupaka. Shigemoto asked how many signs were they looking at to put in and what is their budget. Haigh said that they will put in as many signs as needed, probably no more than half a dozen.

Kapaka-Arboleda asked if any of those areas are going to be where the nudist people are. Powell stated that he thinks its more down on the beach and not in the direct vicinity.

(Tape 2, Side A)

Greer asked the council to refer to page 5 of the August 2, 2005 Minutes for clarification of what action needs to be taken.

**A motion was made to approve additional proposed mitigation measures.
(Hubbard/Shigemoto)**

VOTE: ALL IN FAVOR. Motion carries.

III. INFORMATIONAL UPDATES – INADVERTENT DISCOVERIES (§13-300-40, HAR)

Northcutt Property [TMK: 4-5-02: 16] – Formerly submitted as a Burial Treatment Plan

Powell and Haigh gave a background history of this case. They stated that they were allowed to disinter the human skeletal remains inadvertently discovered at this property and provided a storage unit for proper storage on-site and await a determination to reinter into a site. The site is set up in a two tier garden area with the upper tier lined solely for the burial and the lower tier for Native Hawaiian plants.

Greer clarified that since this inadvertent discovery was determined to be relocated, what is required under the rules is a burial site component of an archaeological data recovery plan. They had previously submitted a burial treatment plan but since the rules don't require it, SCS would still need to provide the department with a burial site component of an archaeological data recovery plan.

Kapaka-Arboleda thanked Powell for his help in this project.

Waipouli Beach Resort Project [TMK: (4) 4-3-008: 001]

McMahon stated that Cultural Surveys Hawaii is out there working on this project. Inadvertent burial #37 was discovered over this weekend in the swimming pool area.

Wailua River State Park [TMK: (4) 4-1-04]

McMahon stated that SCS was hired by State Parks to do some inventory survey trenching where they have to do some improvements. Powell stated that they were testing in the Old Smith landing comfort station in August and was digging shovel probes, which was 3 ft. x 1 ft., and encountered some human remains. They covered the remains and went back to State Parks and they asked SCS to do more control units to determine what was there. SCS dug three more, meter by meter, and went down to the water table, which was about 4 ½ ft., and found a single cranium with no other body parts associated with it. SCS did find some artifacts in the upper cultural layer; an adze fragment and flakes.

Kruse asked if this was the same area of where there was a chief's house. Kapaka-Arboleda replied that it was on the Lihue side of the property. Powell asked if the residents next door also have a burial where they took out the coconut tree. McMahon replied that there was an inadvertent burial near the coconut tree and it was a partial body.

Kapaka-Arboleda stated that there is a possible solution for this to be left in place and it is if there is no septic tank on this lot. Kapaka-Arboleda told McMahon that she's probably going to get a call from Wayne Souza, with State Parks, because OHA will acquire Lot #21 adjacent to the Rehabilitation Unlimited Kauai (R.U.K.) property. Kapaka-Arboleda suggested getting together with OHA to help maintain the septic tank.

Matthew Hunter Project [TMK: (4) 5-8-9: 41]

McMahon stated that this property had an inventory survey done by Joe Kennedy. Tom Dye was hired to complete the data recovery/monitoring work and during the data recovery they found 2 burials. The department agreed to relocate the burials to the preserve near the easement on this property. While re-cleaning the trenches with shovels, they found 5 additional burials; which is a total of 7 burials altogether. We are going to attempt to do a site visit today.

Kapaka-Arboleda stated CCNR said that they must build a house no smaller than 2500 square feet. Kapaka-Arboleda went on to ask Kanemoto that if there were state burial laws in effect at this time and we had made a decision and done a survey, would that supercede a CCNR (Covenants, Conditions, & Restrictions) document? Kanemoto said that the law would definitely supercede any private agreement.

McMahon commented that the initial subdivision was approved in 1986 by the County of Kauai on a certain land that was owned by Sylvester Stallone. McMahon went on to explain the history of everything that had happened over the years.

Kanemoto reiterated that the Island Burial Council is responsible for making the decision of preservation or relocation provided under the law. Shigemoto commented that he is familiar with the subdivision. The setback law states that it needs to be 20 or 40 feet from the shoreline but doesn't understand why the landowner was forced to move further back from the original approval. In any case, if the landowner has CCNR's he has to abide by it or else he is subject to suit by the landowners in that particular property in that subdivision. Now that the burial law is in effect, if he has to move his house further back to avoid the burials the right thing for him to do is redesign his house.

Kanemoto explained that in the Walmart case, the attorneys for Walmart were saying that they cannot redesign the project because of the limitations imposed by the Honolulu City Council in respect to the building permits. You can exercise your right to authorize to preserve in place or relocate. Whether it is the burial council or the department saying you have to preserve in place, they either have to redesign to comply with the restricted covenant or if they couldn't redesign and decide to build it anyway they would be faced with a lawsuit.

Kanemoto commented that the law allows both the council and the department wiggle room to allow relocation. One of the factors is what the landowner is requesting. There are extreme circumstances that will allow the council some room to make any necessary decision.

McMahon stated that there is another issue regarding the SMA which is in another subdivision that they are claiming exempt on the first house. McMahon asked why each county has different restrictions. Shigemoto replied that each county is different and the rationale is that everyone should be entitled to at least one house on their property and any larger would be considered a large development. Kapaka-Arboleda pointed out that it is inconsistent and that this is a real hotspot.

Frank Richie Property [TMK: (4) 2-6-11: 09]

McMahon gave a background history of this project. SCS was hired initially to take care of any inadvertent burials that were coming up. They found a skull while they were monitoring. They finished construction and are ready to reinter. He has brought his basket and wanted to ask Kapaka-Arboleda if she wanted to help him wrap the 'iwi on September 9, 20005, at 11 a.m. Kruse agreed to help him wrap the 'iwi.

McMahon explained the situation. The Baldwin's house was destroyed by the hurricane and then it got demolished at some point of time. Then, Mr. Richie purchased this property and has been trying to build his house for about 7 years now. He's had a lot of issues on this property because there were World War II bunkers. The house is SMA so it was exempt. Archaeologists were hired to do soil testing and while doing so a skull was found. McMahon went out to the site and said to leave it in place. McMahon explained to them that there needed to be an archaeological monitor and that is why SCS was called in. Kapaka-Arboleda asked if it was a condition of the county permit to have an archaeology firm involved in this process. McMahon replied that it was a verbal condition. Kapaka-Arboleda questions the process.

(Tape 2, Side B)

IV. INFORMATIONAL UPDATES – DHHL LANDS (§13-300-40(o), HAR)

Anahola/Kamalomaloo [TMK: (4) 4-7-4]

Powell, from SCS Archaeology, stated that they took a field trip last month to Anapalau Point, where they were shown an 'iwi location by McMahon, to look for a reinterment site for these 'iwi. There is an archaeological site in this area, possibly a heiau or house site, and there is a flat area surrounded by boulders that are relatively secluded that could be used as a reinterment site. Powell is working with DHHL and taking recommendations from the council in regards to using this area as a reinterment site.

McMahon commented that they had found another inadvertent burial in the area and actually left it in place and explained that it would come out if there was high surf. There is also a skull that came from the Anahola site.

Greer asked whether SCS is working with DHHL to get them to find historical and cultural information by soliciting needed testimony. Powell said he's trying to get in touch with Josea Lovell, but we've been missing each other's phone call.

V. ANNOUNCEMENTS – None.

VI. ADJOURNMENT

The meeting was adjourned at 11:35 a.m.

Respectfully submitted,

Piilani K. Chang
SHPD Cultural Historian, Oahu